

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CRIMINAL CASE NO. 3:00-cr-00233-MR-4**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARCELLUS THOMAS,

Defendant.

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ORDER

THIS MATTER is before the Court on the Defendant's motion for a reduction in sentence pursuant to 18 U.S.C. § 3582(c)(2) and Amendment 599 to the United States Sentencing Guidelines [Doc. 120].

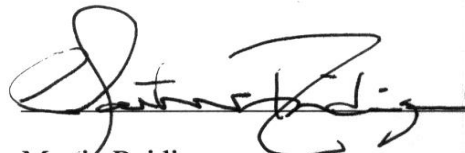
In his motion, the Defendant moves pursuant to 18 U.S.C. § 3582(c)(2) to reduce his sentence based on Amendment 599 of the United States Sentencing Guidelines. Amendment 599, however, became effective on November 1, 2000 -- nearly a year before the Defendant was sentenced. As Amendment 599 was already in effect by the time that the Defendant was sentenced, his request for relief under § 3582(c)(2) must be

denied. See United States v. Fareed, No. Crim. 04-499, 2006 WL 624895, at *2 (D.N.J. Mar. 9, 2006).

IT IS, THEREFORE, ORDERED that the Defendant's motion for a reduction in sentence pursuant to 18 U.S.C. § 3582(c)(2) and Amendment 599 to the United States Sentencing Guidelines [Doc. 120] is **DENIED**.

IT IS SO ORDERED.

Signed: September 30, 2014


Martin Reidinger
United States District Judge

